

RESOLUTION NO. R16-93

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE MAYOR
TO SIGN THE FIFTH AMENDMENT TO STREET LIGHTING AGREEMENT
WITH NORTHWESTERN ENERGY FOR LIGHT DISTRICT NO. 2.**

BE IT RESOLVED by the City Council of the City of Laurel, Montana,

Section 1: Approval. The amended agreement between the City of Laurel and NorthWestern Energy, a copy attached hereto, is hereby approved.

Section 2: Execution. The Mayor and the City Clerk of the City of Laurel are hereby given authority to execute the agreement on behalf of the City.

Introduced at a regular meeting of the City Council on September 6, 2016 by Council Member Herr.

PASSED and ADOPTED by the City Council of the City of Laurel, Montana, this 6th day of September, 2016.

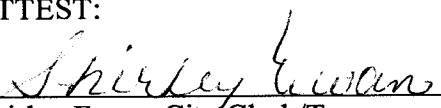
APPROVED by the Mayor this 6th day of September, 2016.

CITY OF LAUREL



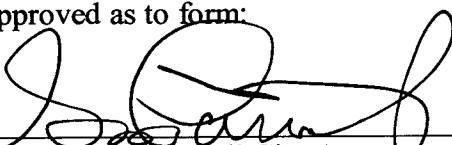
Mark A. Mace, Mayor

ATTEST:



Shirley Ewan, City Clerk/Treasurer

Approved as to form:



Sam S. Painter, Civil City Attorney

**FIFTH AMENDMENT
TO
STREET LIGHTING AGREEMENT**

THIS FIFTH AMENDMENT TO STREET LIGHTING AGREEMENT (“Amendment”), is made and entered into as of the 6th of September, 2016, between the City of Laurel, Montana, a municipal corporation organized under the laws of the State of Montana (“City”) and NorthWestern Corporation d/b/a NorthWestern Energy (“Company”).

RECITALS:

WHEREAS, City and Company are parties to that certain Street Lighting Agreement effective May 18, 1953 (the “Agreement”);

WHEREAS, the City approved by vote an expansion of the boundaries of the Special Improvement Lighting Maintenance District Number 2, commonly referred to as “SILMD 2” pursuant to Resolution No. R16-66, approved August 2, 2016;

WHEREAS, in accordance with the aforementioned Resolution and at the direction of the City Clerk, the City requests the installation of an additional seven (7) units; and

WHEREAS, both parties desire to amend the Agreement as hereinafter provided.

NOW, THEREFORE, in consideration of the foregoing and the covenants and agreements of the Parties as herein set forth, the Parties hereby agree as follows:

1. All capitalized terms used in this Amendment shall have the meanings ascribed to them in the Agreement unless such terms are otherwise defined herein.
2. Commencing as of the date hereof, Section 4 of the Agreement is hereby amended and restated as follows:
 - “(a) Type of facilities:
 - i) 1953 Installation: original installation was various types of fixtures and wattages. As of June 2016, district is composed of 188 single mounted, 100 watt HPS on distribution and streetlight poles; and 10 single mounted, 200 watt HPS on street light poles.
 - ii) 2016 Installation: consisting of 7 single mount; 100 watt, HPS, Acorn Cutoff, mounted on fiberglass poles served by underground wire.

- (b) Location:
- i. 1953 Installation & Existing Amendments: various units spaced and located in accordance with the map of said lighting district on file in the office of the City Engineer of the City of Billings, Montana.
 - ii. 2016 Installation: There will be 7 additional units installed, spaced and located in accordance with the map of said lighting district on file in the office of the City Engineer of the City of Laurel, MT.

Type of equipment and number of lights may be modified only by the written consent of the parties hereto."

3. Commencing as of the date hereof, the third sentence of Section 4. of the Agreement, identifying the initial rates for amended as follows:

"The initial rate for the 2016 installation of the 7 single mount units is estimated to be \$74.95 per unit per month, subject to Montana PSC approved rates at time of final installation."


4. The Agreement, as amended hereby, shall continue and remain in full force and effect.

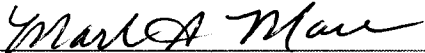
5. This Amendment may be executed in one or more counterparts, each of which, by facsimile or otherwise, shall be deemed an original, but all of which together shall constitute but one and the same original instrument.

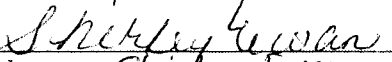
IN WITNESS WHEREOF, the Parties have executed this Amendment as of the day and year first above written.

NORTHWESTERN CORPORATION
d/b/a NorthWestern Energy

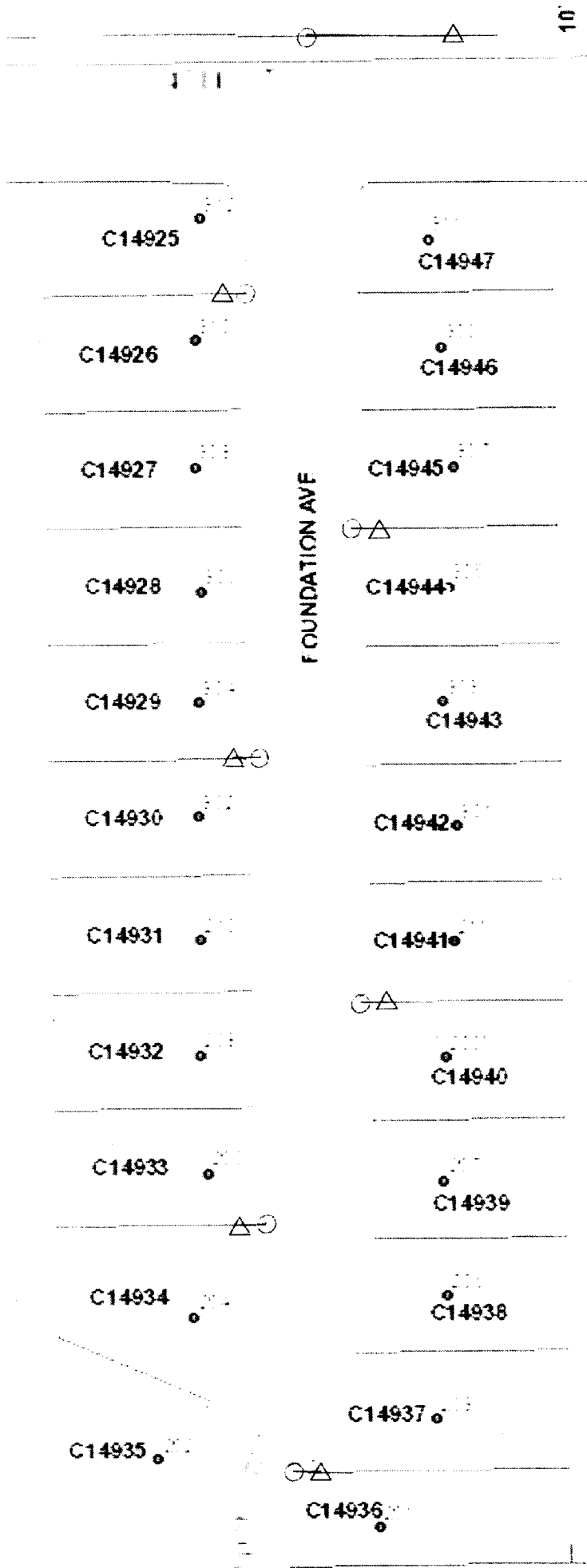
CITY OF LAUREL, MONTANA

By: 
Name: KANE CLAUNCH
Title: CONSTRUCTION MGR

By: 
Name: Mark A. Mace
Title: Mayor

Attest: 
Name: Shirley Ewan
Title: City Clerk

▲ SOURCE
 ○ LIGHT
 — FEED



FOUNDATION AVE

C14925

C14947

C14926

C14946

C14927

C14945

C14928

C14944

C14929

C14943

C14930

C14942

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